Attorney questions submitted September 4, 2026: where they stand

To the East Greenbush Town Board Re: the November 18, 2026 meeting Eric, publiusnewyork@gmail.com

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On September 4, 2026 I sent the Clerk's office seven questions about the Flock Safety agreement and asked that they be forwarded to Mr. Gruenberg as Attorney to the Town. They were not records requests. They were questions about what the contract permits and what the Town is able to verify. The Board was not copied at the time, which is why I am sending this now. That letter is attached.

Seventy-two days later, six of the seven are unanswered.

At the July 15, 2026 meeting the Supervisor stated the test himself, at 01:10:00 in the Town's recording: there are questions that if you can't answer, the answer is no, and the Board was going to ask them. I took that seriously and I asked. This is where those questions stand.

Records retention

1. Whether the Town has assessed if the Flock retention configuration conforms to Resolution 214-2020 and LGS-1 Item 1241(b). Unanswered. The Town's transparency portal, published November 11, now confirms the setting is thirty days. Nothing states whether conformance with the Board's own 2020 resolution was ever assessed.

2. Whether the Town takes the position that ALPR data held on Flock's systems is a Town record for retention and disposition purposes under Public Officers Law 86(4). Unanswered.

Preservation

3. Whether the Town had any mechanism in July 2026 to preserve ALPR records on receipt of a records request, and whether one was used for my requests of July 20 and July 27. Unanswered.

4. Whether the Town has assessed if it can comply with a records request for detection data, given the retention configuration and the statutory response period. Unanswered as a question, answered in fact. The detection records I requested on July 27 were erased before the Town's response time under FOIL had run.

Audit and vendor access

5. Whether the agreement gives the Town a contractual right to a complete audit record of

system activity, including activity by Flock personnel, and whether the Town has ever requested one. Unanswered. The current online terms point the other way. Section 1.12 defines reports and analyses generated through the service as Flock Property with no export right, and Section 5 excepts from deletion any data Flock must retain for inter-agency audit log integrity.

6. Whether the Town can independently verify that the audit records available to it through the Flock console are complete. Unanswered.

Contract execution

7. Whether the amendment executed December 16, 2024 by the Chief of Police was signed under any written designation of signing authority. Answered, but by the records response rather than by counsel. My purchasing and procurement request was marked complete on September 24 with no designation produced. The Town's position appears to be that no such record exists. That now bears on who holds title to the equipment, because the December 2024 amendment transferred hardware title to the Town.

I am not raising this as a complaint about any office. The Clerk's office forwarded the letter and has been responsive throughout.

I am putting the status in front of the Board because the questions were asked in September, they bear on what the Board takes up Wednesday, and the Board had no way to know they were pending.

A separate letter going to Mr. Gruenberg this week covers the contract dates and which version of the terms governs. Those are new questions. These are not.

Thank you for your time.

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Attachment: letter of September 4, 2026 to the Attorney to the Town, as sent to the Clerk's office for forwarding.